

# Notice of Allowability

Application No.

10/798,858

Examiner

R. Alexander Smith

Applicant(s)

RHEAD, MARTEN C.

Art Unit

2859

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a telephonic conversation with Mr. Gallagher on February 5, 2007.
2. ☒ The allowed claim(s) is/are 10 and 21-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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*Status of Claims*

1. Applicant should note that the response as filed on January 23, 2007 can be considered as non-compliant but is sufficiently compliant for consideration. Claim 1 is listed with an incorrect status identifier and claims 11-14 were withdrawn wherein in the Remarks the applicant has stated that claims 1 and 11-14 were intended to be cancelled.

**EXAMINER'S AMENDMENT**

2. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.132. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this Examiner's amendment was given in a telephonic interview with Mr. Gallagher on February 5, 2007.

4. The application has been amended as follows:

**Abstract**

The abstract has been replaced with the following:

-- The tape measure incorporates a lighting device that is positioned to illuminate a measured length on the tape. The tape has a set of numerals for outside measurement that are of one color and a set of numerals for inside measurement that are of a different color. When switched on, the light provides a significant contrast with one of the sets of numerals to make that particular set of numerals significantly stand out from the other set of numerals. --

**In the claims:**

Claims 1 and 11-14 have been cancelled.

*Reasons for Allowance*

5. The following is an examiner's statement of reasons for allowance of claims 10 and 21-23.

For independent claim 10 the prior art of record does not disclose or clearly suggest an improved tape measure, wherein the improvement comprises numerals for outside measurement of one color and numerals for inside measurement of a different color and wherein the numerals for inside measurement significantly contrast with a color of the light so that the numerals for inside measurement will significantly stand out from the numerals for outside measurement when the light is switched on in combination with the remaining limitations of the claim.

Claims 21 and 22 are allowed due to their dependency on allowed claim 10.

For independent claim 23 the prior art of record does not disclose or clearly suggest an improved tape measure, wherein the improvement comprises a light positioned to illuminate a measured length on the tape and wherein the tape comprises a set of numerals for outside measurement of one color and a set of numerals for inside measurement of a different color and wherein a color of the light contrasts with a color of one of the sets of numerals so that those numerals will significantly stand out from the other numerals when the light is switched on in combination with the remaining limitations of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251.

The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Alexander Smith  
Primary Examiner  
Technology Center 2800

RAS  
February 5, 2007